

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SOUND MILL, INC., a Washington  
corporation,

Plaintiff,

v.

PLH PRODUCTS, INC., a California  
corporation; PACIFIC CEDAR SUPPLY,  
LTD., a foreign corporation; S.W. LEE; and  
MOL (AMERICA), INC., a Delaware  
corporation,

Defendants.

Case No. C05-5052 RBL

ORDER

Plaintiff brings this motion to prevent the introduction of evidence not timely disclosed by defendants and to strike the affirmative defenses which plaintiff claims are unsupported by the meager information disclosed by defendants to date. Defendants respond by arguing that they have disclosed the documents which are vital to their case, a disclosure which ironically mirrors the disclosure provided by plaintiff. Moreover, defendants assert that they have identified the witnesses having knowledge of facts relevant to the issues in this case. Defendants claim the witnesses identified are familiar to plaintiff. Defendants also offer to permit the deposition of S.W. Lee and a representative of PLH prior to trial, upon proper notice.

Trial in this matter is scheduled for January 16, 2007.

The plaintiff's motion in limine and to strike affirmative defenses [Dkt. #53] is **DENIED**

1 **WITHOUT PREJUDICE.** Plaintiff may conduct the aforementioned depositions, upon proper notice, at  
2 any mutually agreeable time prior to December 15, 2006. Issues pertaining to available affirmative  
3 defenses will be addressed at the pre-trial conference now scheduled for January 5, 2007 at 8:30 a.m.

4 Plaintiff's request for a trial continuance or a blanket extension of the discovery deadline is rejected.  
5 [Note that the request for trial continuance contained in this motion pre-dated the stipulated motion for  
6 continuance [Dkt. #59] which was granted.]

7 **IT IS SO ORDERED.**

8 DATED this 21<sup>st</sup> day of November, 2006.

9  
10  
11   
12 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28